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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WEST DIVISION
CINCINNATI, OHIO

ROY A. KEMPF, et al.

Case No. C-1-00-0144

This matter came before the court for ~~a status conference~~ on March 6, 2003. No Plaintiffs,

one appeared on behalf of the plaintiffs. At that time, the court dismissed the case for v.

want of prosecution and allowed the plaintiff ~~DEFENDANT HUDEPOHL~~ of the order to CINCINNATI INSURANCE COMPANY, ~~CONTRUCTIONS MOTION TO DISMISS~~ ~~refiled~~ their complaint. The plaintiff then filed ~~FORWAINT OF PROSECUTION~~ and a notice

of intention to substitute ~~Defendant~~. In the motion, counsel for the plaintiffs, Mark Anthony, represented to the court that he would inform the court and defense counsel of the plaintiffs new representation within thirty days. That motion was filed on March 28, 2003. The court subsequently allowed the plaintiff to reopen the case.

The plaintiffs have done absolutely nothing on this matter since the court allowed them to reopen their case. This case has been pending before the court for quite some time and a number of representations have been made by the plaintiff's counsel that have not been kept. Numerous depositions have been scheduled previously and cancelled because of Mr. Anthony's representations that he was withdrawing from the case and that new counsel will be substituted. The court has given the plaintiffs ample opportunities to present their case and the plaintiffs have failed to do so or decided not to do so. It is blatantly unfair to keep this action alive against Hudepohl Construction Company when the plaintiffs are doing nothing at all to prosecute it. Consequently, defendant Hudepohl Construction Company prays that the court dismiss the plaintiffs complaint with prejudice for want of prosecution.

Respectfully submitted,

/s/Stephen M. Yeager

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 2004 the foregoing was filed electronically with the Clerk of Court using the CM/ECFF system which will send notification to the following: Mark A. Anthony, Esq., 7970 Clyo Road, Centerville, Ohio 45459 and Kent W. Seifried, Esq., Poston, Seifried & Schloemer, The Fifth Street Center, 525 West Fifth Street, Suite 318, Covington, Kentucky 41011.

/s/ Stephen M. Yeager
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